

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JILL HINES, ET AL.

CIVIL ACTION NO. 3:23-CV-00571

VERSUS

CHIEF JUDGE TERRY A. DOUGHTY

ALEX STAMOS, ET AL.

MAGISTRATE JUDGE MCCLUSKY

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE
PLEADINGS TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendant The Aspen Institute (“Aspen”) respectfully moves for a 14-day extension of time, to and including December 18, 2023, to respond to Plaintiffs Jill Hines’s and Jim Hoft’s First Amended Complaint [Doc. #77]. In support, Aspen states as follows:

1. Plaintiffs commenced this action on May 2, 2023, by filing a Complaint [Doc. #1] in which they asserted claims against multiple defendants. Their Complaint did not name Aspen as a defendant.

2. In August 2023, the original defendants filed two motions—one seeking to compel arbitration [Doc. #69] and one seeking dismissal of the complaint [Doc. #70].

3. On October 17, 2023, while the original defendants’ motions remained pending, plaintiffs filed their First Amended Complaint, which added Aspen as a defendant. [Doc. #77.]

4. Aspen was served with the First Amended Complaint and summons on November 13, 2023, making its answer due December 4, 2023. [See Doc. #87.]

5. On November 15, 2023, the Court entered an Order denying the original defendants’ Motion to Compel Arbitration. Doc. #88. That Order inadvertently referred to Aspen as having joined in that motion [*id.*, p. 1 n.1], although Aspen had not joined the motion because it was not a party when the motion was filed. [See Doc. #69, p. 1 (motion to compel arbitration brought by “Defendants Alex Samis, Renée DiResta, and Board of Trustees of the Leland Stanford

Junior University, the Leland Stanford Junior University, The Stanford Internet Observatory (SIO), Kate Starbird, Graphika, Camille François, the Atlantic Council, the Atlantic Counsel’s Digital Forensic Research Lab (DFRLab), and Graham Brookie”).]

6. On October 26, 2023, the original defendants filed a Motion to Stay Proceedings or, Alternatively, to Extend Their Time to Respond to the First Amended Complaint. [Doc. #86.] On November 16, 2023, the original defendants noticed an appeal of the Order denying their Motion to Compel Arbitration [Doc. #89] and filed a Notice of Automatic Stay of Proceedings Pending Appeal Pursuant to the Federal Arbitration Act, 9 U.S.C. § 16(a) [Doc. #90].

7. On November 17, 2023, this Court denied as moot the original defendants’ Motion to Stay and entered an Order holding that “[p]ursuant to the Supreme Court of the United States’ ruling in *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023), this case is automatically stayed” during the appeal. [Doc. #92, p. 1.] The Court further ordered that this case be administratively terminated, and that “[a]ll pending deadlines and motions [be] stayed, to be re-urged by counsel when the time is right.” [*Id.*]

8. Aspen’s current deadline to respond to the First Amended Complaint is December 4, 2023.

9. The stay based on *Coinbase*, does not apply to the claims against Aspen because is not a party to the appeal. *See Coinbase*, 599 U.S. at 740-741.

10. Aspen respectfully requests a 14-day extension of time—through and including December 18, 2023—to respond to the First Amended Complaint. Good cause exists for the extension because the Thanksgiving holiday fell during Aspen’s normal response deadline. Accordingly, Aspen has only recently retained counsel to defend this action. Given the complexity of the allegations—the First Amended Complaint is 103 pages long, with another 376 pages of

exhibits [Doc. #77]—the requested extension is needed to investigate the issues and prepare a response.

11. By requesting this extension of time, Aspen does not waive any objections to this Court's jurisdiction or venue, and expressly preserves its right to move to dismiss under Federal Rule of Civil Procedure 12(b)(2) and/or Rule 12(b)(6) or to transfer the case. Aspen further preserves its right to file its own motion to compel arbitration.

12. On November 27, 2023 and again on November 28 and 29, Aspen's counsel contacted plaintiffs' counsel by email to meet and confer regarding the relief sought by this motion. Plaintiffs consented to the relief sought by this motion.

13. Pursuant to Local Rule 7.4.1, a certificate regarding the attempt by Aspen's counsel to obtain plaintiffs' counsel's consent to this motion is attached.

WHEREFORE, Aspen respectfully requests that the Court enter an Order extending Aspen's deadline to respond to the First Amended Complaint until December 18, 2023.

Dated: November 30, 2023

Respectfully submitted,

COOK, YANCEY, KING & GALLOWAY,
A Professional Law Corporation

By: /s/ Elizabeth M. Carmody
Elizabeth Mendell Carmody, #25792

333 Texas Street, Suite 1700
P.O. Box 22260
Shreveport, LA 71120-2260
Telephone: (318) 221-6277
Facsimile: (318) 227-7850
E-mail: elizabeth.carmody@cookyancey.com

ATTORNEYS FOR DEFENDANT THE ASPEN
INSTITUTE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was filed with the United States District Court for the Western District of Louisiana by electronic case filing/case management. Notice of this filing will be sent to all counsel of record by operation of the electronic case filing system.

Shreveport, Louisiana, this 30th day of November, 2023.

s/ Elizabeth M. Carmody
OF COUNSEL